IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4877 of 2007()

CRIME NO.2/2007 OF BANDADKAEXCISE RANGE

PETITIONER/ACCUSED:

K. SAMALA, AGED 36,
W/O. K.BALACHANDRAN, MALAMKADAPPU DESOM,
MUNNAD VILLAGE, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY INSPECTOR OF POLICE, BANDADKA EXCISE RANGE
REP. BY THE PUBLIC PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4877 of 2007

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Dated this the 13th day of August, 2007

ORDER

Application for anticipatory bail. Petitioner, a woman was allegedly found to be in possession of 5 litres of arrack on 30.4.07. Seizure was effected; but she could not be arrested as no lady official was available in the Detecting Party. Investigation is in progress. The petitioner apprehends imminent arrest. The learned Public Prosecutor submits that there is no criminal antecedents for the petitioner.

2. The learned counsel for the petitioner prays that anticipatory bail may be granted to the petitioner. In the facts and circumstances of this case, I find absolutely no reason which would justify the invocation of extraordinary equitable discretion under Sec.438 Cr.P.C. This I am satisfied is an eminently fit case where the petitioner must appear before the learned Magistrate or the Investigating Officer and seek regular bail in the ordinary and normal course.

3. In the result, this petition is dismissed. I may however,

hasten to observe that if the petitioner appears before the Investigating Officer or the learned Magistrate and apply for bail,after giving sufficient prior notice to the Prosecutor, the learned Magistrate or the Investigating Officer must proceed to pass appropriate orders on merits, in accordance with law and expeditiously- on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE